IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4676 OF 2004

Vivek @ Chhotu Bharat Thakkar ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Naveen Chomal for Applicant.

Mr.S.R.Shinde, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

NOVEMBER 22, 2004.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. The Applicant, it is not disputed, was only 11 years of age when the offence is alleged to have been committed. Indeed, the offence is a serious offence, but having regard to the fact that

the Applicant is of a tender age and the parents of the Applicant are willing to give undertaking that they will ensure about the good conduct of the Applicant and also take necessary steps for reforming the Applicant, in the peculiar facts and circumstances of the case, the Applicant deserves to be enlarged on bail on the following conditions:

(a) The Applicant is enlarged on bail in connection with C.R.No.274/04 registered at Mulund Police Station, on executing personal bond of his father Bharat Thakkar in the sum of Rs.10,000/- (Rupees Ten Thousand) with one surety in the like amount.

(b) The father as well as the mother of the Applicant to file affidavit of Undertaking in this Court to ensure that the Applicant will maintain good conduct while on bail and also that they will take necessary steps for reforming the Applicant. The Undertaking be filed by tomorrow i.e. 23rd November 2004, which will be condition for releasing the Applicant on bail.

(c) The Applicant shall not leave the jurisdiction of Mulund Police Station without prior intimation to the said Police Station as well as the Trial Court.

. Application allowed on the above terms.

A.M.KHANWILKAR, J.